

**REMARKS**

This Amendment is filed in response to the non-final Office Action of August 19, 2004. The response is due on November 19, 2004. The Applicant thanks the Examiner for carefully reviewing the present application.

Claims 1-35 are pending after entry of the present Amendment. Claims 2, 12-14, 16, 23-28, 30-31, and 33 are amended.

**Rejection under 35 U.S.C. § 112, second paragraph**

The Examiner rejects claim 13 under 35 U.S.C. § 112, second paragraph, because the term “substantial” is broad and renders the claim indefinite. Claim 13 is amended. The amended claim 13 is now definite and patentable. The Applicant respectfully requests that the rejection be withdrawn.

**Rejection under 35 U.S.C. § 102(e)**

Claims 1-6, and 11-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Herz (U. S. Patent No. 6,460,036). Applicant respectfully traverses.

The present invention, as recited in amended independent claim 1, can be characterized as a customer-interactive evaluation and data acquisition method. Page 13, line 15-16. The method is initiated by receiving a search request from the customer to search for a specify item. Page 5, line 9-11 and 14-16, and page 15, line 6-8. To ensure the searched data is responsive to the customer's search request, the searched data is compared with data previously read by the customer to obtain rating data (e.g., book rating function). The rating data is then presented to the customer for actual customer response. Page 5, line 16-19, page 16, line 20-22.

In contrast, Herz discloses a customer-passive information retrieving system that does not require customer input. Col. 2, line 22-24. The information retrieving system, in Herz, does not disclose the feature of a search request comprising a search item from the customer. Instead, the information retrieving system, in Herz, automatically constructs a target profile for each target object and a target profile interest summary for each user, which describes the user's interest level in various types of target objects, without any input from the customer. Col. 1, line 18-28, 8-16.

In addition, the system, in Herz, evaluates target profiles against user target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user, based only on estimated information. Col. 1, line 18-34, and col. 6, line 53-62.

Without disclosing the features of actual search request from the customer that identified a specific search item and comparing the searched data with data previously read by the customer, Herz has not disclosed each and every element in independent claim 1. Accordingly, independent claim 1 is not anticipated by Herz. Therefore, independent claim 1 is patentable.

Independent claims 14, 16, 17, 20, 22, 24, and 27 are similarly not anticipated by Herz for substantially the same reasons as discussed above for independent claim 1, and accordingly, each one of these independent claims is patentable.

Dependent claims 2-6, 11-13, 15, 18-19, 21, 23, 25-26 are similarly not anticipated by Herz for substantially the same reasons as discussed above and the additional limitations each of the respective dependent claims additionally recites. Accordingly, the dependent claims are also patentable.

**Rejection under 35 U.S.C. § 103(a):**

Claims 7-10, and 28-35 are rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Herz in view of Reisman (U.S. Patent No. 6,611,862).

As discussed above, Herz does not disclose a customer-interactive evaluation and data acquisition method that includes receiving a search request from the customer to search for a specific item and comparing searched data with data previously read by the customer.

Reisman discloses a method for operating a user station configured for communicating with multiple independently operated data sources via a non-proprietary network. The method includes steps of creating a send data object that includes user demographics, and automatically sends the data object to a selected one of the data sources upon establishing a communication link, without any triggering user action. Col. 5, line 11-23.

Similar to Herz, Reisman does not disclose a customer interactive evaluation and data acquisition system as claimed in claims 7-10 and 28-35. Reisman has the same deficiencies as Herz; it does not disclose or suggest any user or customer input, e.g., a search request from the customer and comparing data with data previously read by the customer.

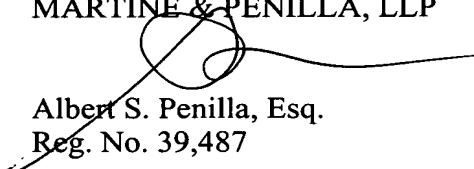
To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference or in the knowledge generally available, to one having ordinary skill in the art, to combine the references. Additionally, the references when combined must teach or suggest all the claim features. As discussed above, neither Herz nor Reisman discloses or suggests a customer-interactive evaluation and data acquisition method that includes receiving a search request from the customer to search for a specific item and comparing searched data with data previously read by the customer. Therefore, even if it is deemed that there would have been a proper motivation to combine the references, a proposition with which Applicant disagrees, the resulting combination would not include all the claimed features of the independent claims of the claimed invention.

Accordingly, claims 7-10, and 28-35 are not rendered obvious by Herz in view of Reisman. Therefore, claims 7-10, and 28-35 are patentable.

Accordingly, after entry of the present Amendment, the application is now in a condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805. (Order No. SONYP008). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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